

1
2
3
4
5
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 San Francisco Division

11 WEISS LAW, P.C.,
12 Plaintiff,
13 v.
14 AWRISH BUILDERS, et al.,
15 Defendants.

Case No. 19-cv-02258-LB

**ORDER ADDRESSING SERVICE ON
THE GOVERNMENT AND SERVICE
BY EMAIL ON DEFENDANTS**

Re: ECF No. 8, 13

17 The court previously issued an order directing the plaintiff to serve the United States with
18 notice of the motion for preliminary injunction and to supplement its briefing on the issue of
19 alternative service.¹

20 The first issue is service on the United States. The declaration says only this about service: “I
21 [] served the Motion for Preliminary Injunction to [the] United States Attorney’s Office in San
22 Francisco and on James Stephens United States Army Corps of Engineers (“USACE”) Attorney in
23 Virginia. . . Mr. Stephens replied to my email and said he is not authorized to represent the
24 USACE before the Northern District of California.”² The certificate of service filed on the docket

25
26 ¹ Order – ECF No. 20. Record citations refer to material in the Electronic Case File (“ECF”); pinpoint
27 citations are to the ECF-generated page numbers at the top of documents.

28 ² Shefayee Supp. Decl. – ECF No. 23 at 2 (¶¶ 3, 5).

1 on May 21, 2019 shows that the motion for preliminary injunction was “send by United States
2 mail” to “United States Attorney’s Office, Federal Court House, 450 Golden Gate Ave. Fl. 11, San
3 Francisco, CA 94102.”³ Federal Rule of Civil Procedure 4(i)(1) governs service on the United
4 States:

5 (1) [] To serve the United States, a party must:

6 (A)(i) deliver a copy of the summons and of the complaint to the United States
7 attorney for the district where the action is brought – or to an assistant United
8 States attorney or clerical employee whom the United States attorney designates
9 in a writing filed with the court clerk – or

10 (ii) send a copy of each by registered or certified mail to the civil-process
11 clerk at the United States attorney’s office;

12 (B) send a copy of each by registered or certified mail to the Attorney General
13 of the United States Washington, D.C.; and

14 (C) if the action challenges an order of a nonparty agency or officer of the United
15 States, send a copy of each by registered or certified mail to the agency or officer.

16 Fed. R. Civ. P. 4(i)(1). While the plaintiff may have served the United States properly, the
17 court cannot tell and thinks at minimum, service needs to be in person, at 450 Golden Gate
18 Avenue, San Francisco, California 94102, or by registered or certified mail. Also, the court’s view
19 is that this process — particularly service to the United States Attorney — may provide a means to
20 preserve the status quo by stipulation and moot the pending motion for a preliminary injunction. In
21 any event, the United States needs notice of the motion (a perfectly ordinary event).

22 The second issue is service on the defendants. The court previously ordered the plaintiff to
23 supplement its briefing on the issue of alternative service by providing authority supporting
24 service by email specifically in Afghanistan and Great Britain (where the foreign defendants are
25 located).⁴ The court is inclined to order service on Awrish Builders, Abdul Mujeeb Mohmand, and
26 Faisal Rahim but its intent was to have the plaintiff give some authority for its requested service.
27 If counsel is unable to locate authority, it should say so. The court prefers to avoid engaging in
28 unnecessary independent research.

³ Cert. of Service – ECF No. 21 at 2.

⁴ Order – ECF No. 20 at 4 (fully incorporated herein by this reference).

1 The third issue is service on Abdul Muqeem Mohman, who apparently resides in Virginia.
2 According to her declaration, the plaintiff's counsel is in communication with him (via email) and
3 should ask for his address or for him to waive service, which would give him 60 days from the
4 time the request is sent to file an answer or other response to the complaint. Fed. R. Civ. P.
5 4(d)(3).

6 Given the pending motion for a preliminary injunction, the court orders that the plaintiff
7 provide an update on service on the government and the defendants and the status of the case by
8 June 20, 2019.

9
10 **IT IS SO ORDERED.**

11 Dated: June 10, 2019



12
13 LAUREL BEELER
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28